

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES ELVES,

Plaintiff,

v.

GARY KEMPKER, et al.,

Defendants.

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No. 4:04CV1671 TIA

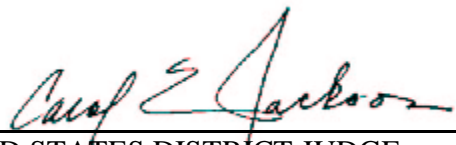
MEMORANDUM AND ORDER

On April 13, 2005, the Court entered an order directing the plaintiff to show cause, in writing, why this action should not be dismissed as to defendants Lisa Hannegan and Terry Lueckenotte for failure to obtain timely service on them. See Fed. R. Civ. P. 4(m). The plaintiff was warned that if he failed to file a response to the show cause order withing 14 days, this action would be dismissed against the defendants without prejudice. Plaintiff did not respond to the show cause order, and he has not obtained service on or a waiver of service from defendants Hannegan and Lueckenotte.

Under Rule 4(m) of the Federal Rules of Civil Procedure, the Court, after notice to the plaintiff, is directed to dismiss an action against a defendant upon whom service has not been made within 120 days after the filing of the complaint. The Rule 4(m) period has expired and plaintiff has failed to effectuate service of process. Accordingly,

IT IS HEREBY ORDERED that this action is dismissed without prejudice as to defendants Lisa Hannegan and Terry Lueckenotte for lack of timely service as required by Fed. R. Civ. P. 4(m).

Dated this 21st day of July, 2005.



UNITED STATES DISTRICT JUDGE